

Domestic Relations Committee
Judicial Conference of Indiana

Minutes

September 12, 2001

The Domestic Relations Committee and the Senior Judge Committee met in Indianapolis, Indiana on Wed., September 12, 2001 from 11:00 a.m.-12:00 noon at the Westin Hotel.

1. Members present. Lorenzo Arredondo, Robert R. Aylsworth, Thomas J. Felts, E. Michael Hoff; William J. Hughes; Kathy R. Smith; Richard G. Striegel; William C. Whitman; and Cynthia J. Ayers, Chair Pro Tem.

2. Staff and guests present. Jeffrey Bercovitz; Judge Robyn Moberly; Nancy Gettinger; Francie Hill; Judge Margaret Robb and Jack Stark, State Court Administrator's Office were also present.

4. Minutes approved. The minutes for the meeting of the committee on August 17, 2001 were approved.

5. Mediation. The members of the Senior Judge Committee and the Domestic Relations Committee discussed the following:

a. Several senior judges are certified family law mediators at approximately \$700.00 each. Who will pay for classes if judges want to work as mediators?

b. Blending of the roles of judge and mediator may present some conflicts.

c. Mediator helps parties make up their own minds, not the traditional role of a judge. Often a retired judge is seen as "making the decision" and hard to get the parties to agree to use a retired judge as a mediator.

d. Should senior judges be court annexed or private?

e. Is affordability of the mediation by parties a criteria to consider?

f. Senior judges have a lot of experience and wisdom to contribute. Should senior judges do mediation as a community service? Or for \$125.00 per hour?

g. Senior judge mediators are a good idea. Open the door to gauge interest and work out rules later.

h. Any conflicts with the practice of law?

i. Does acting as a mediator preclude senior judge service in that court? Can the blending of roles be resolved by recusal if case appears on the senior judge caseload?

j. A filing fee assessment could be added to pay for senior judge mediation services. Allen County has an additional \$20.00 filing fee in this area.

All were in agreement that using senior judges as mediators was a good idea and perhaps one of the only ways to implement a statewide mediation project.

6. Next meeting dates. The members of the committee agreed to meet again on Friday, October 19, 2001, Friday, January 18, February 15, March 15, April 19, May 17, July 19 and August 16, 2002 from 10:30 a.m. – 4:00 p.m. at the Judicial Center

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law